REMARKS/ARGUMENTS

Reconsideration is respectfully requested of the Official Action of September 26, 2008, relating to the above-identified application.

A request for a one-month extension of time together with the fee associated therewith is filed herewith.

The claims in the case are claims 1 to 12. New claim 12 has been added to protect other aspects of the invention. The basis is found throughout the specification and drawings.

Claim 1 has been amended to more particularly point out that the first double-acting unit has a driving direction along a straight path and is fluid-operated for driving the tape feeding out unit. Also, claim 1 has been amended to specify that the second double-acting unit has a driving direction in a straight path and is fluid-operated for driving the tape taking-up unit. The claim has, therefore, been revised to make more clear the nature of the carrier tape forming apparatus that is being claimed in this application. No new matter is presented.

The revision of the claims as presented herewith also addresses the rejection under 35 U.S.C. § 112 which is believed to now be moot.

The claims have been amended to more precisely point out that the apparatus of the present invention comprises a first double-acting unit (21) having a driving direction along a straight path and being fluid-operated for driving a tape feeding out unit (B), and a second double-acting unit (22) having a driving direction along a straight path and also being fluid-operated for driving the tape taking-up unit (F). More precisely, each of the driving units of the apparatus of the invention for the tape feeding-out unit (B) and the driving unit for tape taking-up

unit (F) comprises a double-acting driving unit having a driving direction along a straight path and being fluid-operated.

In contrast *Kanehara* (JP 9-132207A) shows a take-up reel (3B) which corresponds to the tape taking-up unit (F) of the present invention, but (3B) is not adapted to be driven by the double-acting driving unit having a driving direction along a straight path and being fluid-operated. More particularly, the take-up reel (3B) of *Kanehara* is rotated by the drive shaft (4i), not driven by a double-acting driving unit having a driving direction along a straight path and being fluid-operated as in the present invention.

The Official Action on page 4, beginning at line 11, alleges that the *Kanehara* Japanese document shows a third guidance roll (4f), a second tension grant roll (4g), a fourth guidance roll (4h) and a take-up reel (3B) with a driving shaft (4i) are considered as a tape taking-up unit corresponding to the taking-up unit (F) of the present invention.

However, applicants respectfully submit that the take-up reel (3B) of *Kanehara* corresponds to tape taking-up unit (F) of the present invention. The third guidance role (4f) and the fourth guidance roll (4h) of *Kanehara* are not adapted to take-up the tape, but instead function to guide the tape to the take-up reel (3B).

Furthermore, the second tension granting roll (4g) is urged downward as shown in Figure 1 by the elastic member to apply a tensile forced to the tape.

According, applicant's respectfully submit that the *Kanehara* Japanese document does not anticipate claims 1, 2, 5, 6 and 7.

The rejection of claim 3 under 35 U.S.C. § 103(a) as unpatentable over *Kanehara* in view of *Larsen, et al.*, U.S. 5,389,190, is traversed and reconsideration is respectfully requested.

The Official Action relies on *Larsen, et al.* to show an apparatus containing a pay-out mechanism including a dancer arm and a brake mechanism.

The Official Action concludes that it would have been obvious for a person of ordinary skill in the art at the time of applicants' invention to modify the carrier tape forming apparatus shown in *Kanehara* by providing a dancer roller and a brake belt in accordance with the teachings of *Larsen*. However, applicants respectfully submit that there is no teaching or suggestion in *Larsen* whereby a person skilled in the art would be led to the conclusion that there would be some benefit or advantage in modifying the *Kanehara* apparatus with the features noted in the Official Action with respect to *Larsen*. Unless there is some indication that the *Kanehara* apparatus could be improved or benefited by the modification, there is no basis for the conclusion that the subject matter of claim 3 would have been *prima facie* obvious to a person having ordinary skill in the art at the time the invention was made.

According, applicants respectfully submit that the rejection is not well founded and should be withdrawn.

The rejection of claim 4 under 35 U.S.C. § 103(a) as unpatentable over *Kanehara* taken with *Teed*, U.S. 3,984,272, is traversed and reconsideration is respectfully requested. The Official Action admits that *Kanehara* fails to show an apparatus including a slitting unit for slitting or cutting off a width-wise end of the tape.

Teed is relied on to show an apparatus for successively forming disposable diapers where the apparatus includes cutting means and rollers for slitting or cutting off a width off of a width-wise end of the continuous fibers.

The Official Action alleges that the motivation for the modification of *Kanehara* with the features of *Teed* would be to minimize a cumbersome and tedious handwork for cutting the elongated tape. However, there is no mention in *Kanehara* that there would be "a cumbersome and tedious handwork" involved in cutting the elongated tapes. Relying on *Teed* for this teaching merely involves speculation which is unfounded based on the printed record. Applicants respectfully submit that the references are not so closely related that a person skilled in the art would readily be led by *Teed* to modify the *Kanehara* patent in the manner proposed in the Official Action.

According, applicants respectfully submit that the combination of references does not establish a *prima facie* case of obviousness for the subject matter of claim 4.

Favorable action at the Examiner's earliest convenience is respectfully requested.

Respectfully submitted,

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